

## REMARKS

### 1. Summary of the Office Action

Claims 1-52 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. patent no. 6,044,363 to Mori *et al.* (hereinafter "Mori") in view of U.S. pat's no.'s 6,415,269 to Dinwoodie (hereinafter "Dinwoodie"), and 6,449,601 to Friedland *et al.* (hereinafter "Friedland"). In response to the above identified Office Action, Applicant has amended his application and respectfully requests reconsideration thereof.

### 2. Response to § 103 Rejection

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

#### **THE PRIOR ART REFERENCES DO NOT TEACH OR SUGGEST ALL CLAIM LIMITATIONS, WHEN CONSIDERED SINGULARLY OR IN COMBINATION.**

Independent claims 1, 26, and 27 have been rejected by the Examiner. Claim 1 as amended, which is representative of the group, includes the following limitation:

facilitating creation of an administrative note pertaining to a

selected aspect of an on-line auction facilitated by the network-based auction facility;

(Claim 1, emphasis added). Claim 1 relates to facilitating the creation of an administrative note in the context of communicating information pertaining to the monitoring of a network-based auction facility.

The Examiner has suggested that Mori discloses the above limitation. However, in contrast to claim 1, Mori relates to a method of communicating information in an auction between potential buyers and sellers. Mori does not relate to monitoring a network-based auction and does not disclose facilitating the creation of an administrative note, as in claim 1.

Furthermore, neither Dinwoodie nor Friedland disclose facilitating the creation of an administrative note. Consequently, claim 1 is not obvious and is not rendered unpatentable by the combination of Mori, Dinwoodie, and Friedland under 35 U.S.C. § 103(a). For the same reasons, claims 26 and 27 are not rendered unpatentable by the combination of Mori, Dinwoodie, and Friedland under 35 U.S.C. § 103(a). Claims 2-14 and 28-40 depend from claim 1 and claim 27, respectively. Therefore, claims 2-14 and 28-40 are not rendered unpatentable under 35 U.S.C. § 103(a).

Independent claims 15, 41 and 52 were also rejected by the Examiner. Claim 15 as amended, which is representative of the group, includes the following limitation:

providing a note creation function to facilitate creation of an administrative note concerning the user of the network-based auction facility; and

(Claim 15, emphasis added). Claim 15 relates to facilitating the creation of an administrative note concerning the user of a network-based auction facility. In one exemplary embodiment of the present invention explained more fully with respect to Figure 4 in paragraphs 32 and 33 of the specification, an administrator

of a network-based auction facility may identify a user and, utilizing the note creation function, create and associate a note with the identified user.

The Examiner has suggested that Mori discloses the above limitation. Mori relates to an on-line auction method. At best, Mori discloses a purchasing person, or client, retrieving product information using a web browser, and entering automated auction conditions and rules. (Col. 5, lines 60-65 and Col.6 Lines 10-49). However, Mori does not disclose facilitating the creation of an administrative note concerning the user of a network-based auction facility.

Friedland relates to a system and method for distributing a live auction over the Internet to remote bidders. As such, Friedland facilitates communication between remote bidders and an auctioneer. However, Friedland does not disclose facilitating the creation of an administrative note concerning the user of a network-based auction facility.

Similarly, Dinwoodie relates to a method of communicating bids from remote bidders to an auction site over a communications network. In contrast to claim 15, Dinwoodie does not disclose facilitating the creation of an administrative note concerning the user of a network-based auction facility.


Consequently, because the combination of Mori, Friedland and Dinwoodie fails to disclose each and every limitation of claim 15, claim 15 is not obvious in view of the combination and is not rendered unpatentable under 35 § U.S.C. 103(a). For the same reasons, claims 41 and 52 are not rendered unpatentable under 35 § U.S.C. 103(a).

Claims 16-25 and 42-51 depend from claims 15 and 41, respectively. Therefore, claims 16-25 and 42-51 are also patentable over the combination of Mori, Friedland and Dinwoodie.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicants hereby request such an extension.

Respectfully submitted,  
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Dated: 10/08/ 2003

  
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